

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

NORMAN W. BERNSTEIN and  
PETER M. RACHER, AS TRUSTEES OF  
THE THIRD SITE TRUST FUND,

Plaintiffs,

VS.

CASE NO. 1:08-cv-0427-RLY-TAB

PATRICIA A. BANKERT, individually, and in her capacity as Personal Representative of the Estate of Jonathan W. Bankert, Sr., JONATHAN W. BANKERT, JR., GREGORY BANKERT, ROBERT H. BANKERT, KATHERINE L. BANKERT, CYNTHIA A. RUSSELL, ROCKWOOD INSURANCE COMPANY OF INDIANA and AUTO-OWNERS MUTUAL INSURANCE COMPANY,

Defendants.

**MOTION TO DISMISS ROCKWOOD INSURANCE COMPANY OF INDIANA**

Plaintiffs, Norman W. Bernstein and Peter M. Rancher, as Trustees of the Third Site Trust Fund, pursuant to Federal Rule of Civil Procedure 41(a)(2), move to dismiss Defendant Rockwood Insurance Company of Indiana (“Rockwood”) only from this action, with prejudice, and to dismiss Rockwood’s Cross Claim, with prejudice, with each party to bear its own costs, because the parties have settled. The Plaintiffs intend to continue litigation against the other remaining defendants.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on December 15<sup>th</sup>, 2009, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following:

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